



## CHIEF JUDGE DIRECTIVE 18-02

### ORDER REGARDING ELECTRONIC DEVICES IN JUDICIAL BUILDINGS

Concerns have arisen concerning certain types of improper uses of electronic devices in the court buildings in the Eleventh Judicial District. The Court recognizes the need to have a policy in place that facilitates normal and proper use of such devices while prohibiting improper uses and thus issues this Directive. Directives of this nature are authorized by Chief Justice Directive 95-01.

#### THE COURT HEREBY ORDERS:

The use of all electronic devices, including but not limited to cell phones, personal digital assistants (PDAs), laptops, computer tablets (e.g. "I-Pad" type devices) and all devices capable of capturing photographs or creating audio or video recordings, is strictly controlled within court facilities. Prohibited uses include all photography and videography including sound recordings, broadcast sound, and the broadcast of still or moving images. More highly restrictive access in an individual courtroom, if applicable at the discretion of the Judicial Officer, shall be posted at the courtroom entrance.

#### I. IN ALL HALLWAYS AND PUBLIC AREAS OF JUDICIAL BUILDINGS— INCLUDING THE PROBATION DEPARTMENT (ALL AREAS OTHER THAN COURTROOMS):

Electronic devices may be used so long as such use is not disruptive of court proceedings. All devices including cell phones, tablets, laptop computers and PDAs must be set to vibrate or silent ring settings and may never be used to capture images, videos, or sound recordings. Use of any type of audio- or video-recording device, including, but not limited to, cell phones, laptop computers, or cameras in the clerk's office, at the clerk's window, or jury assembly room, is strictly prohibited without express consent of the Court. A Judicial Officer may further restrict use and possession of electronic devices that is disruptive of court proceedings or creates a potential danger to anyone in or around our court facilities.

#### II. IN ALL COURTROOMS:

All electronic devices shall be turned off when entering the courtroom and shall remain turned off at all times while in the courtroom. The exception to this prohibition is that such devices may be used for note taking, settings, legal research, and use of stored electronic data for court proceedings, provided they are muted and not disruptive of any court proceedings. Any electronic transmission of information from the courtroom is prohibited without express consent of the Court. No person, except court personnel and media operating under an court approved order for expanded media coverage, may make a sound or photographic recording of any proceeding or person including, but not limited to, jurors, witnesses, attorneys, court personnel, or parties. Official transcripts of proceedings may be ordered through the office of the Clerk of Court. A Judicial Officer may further restrict use and possession of electronic devices in the courtroom.

### III. EXCEPTIONS:

Exceptions to these rules may be granted solely by permission of a Judicial Officer of the Eleventh Judicial District after consultation with the Chief Judge. Exceptions for attorneys working in courtrooms are at the discretion of the presiding judge.

### IV. MEDIA:

**Court Facility Access:** Members of the media desiring access to the courthouse with cameras or other recording devices shall be required to present a valid media credential or other valid photo identification and official business card at the security checkpoint. With a valid media credential, cameras shall be permitted and may be used in the hallways and public areas of the courthouse.

**Courtroom Access:** Current rules for expanded media access govern the use of cameras in courtrooms. See Rule 2, Chapter 38 of Colorado Supreme Court Rules, Public Access to Records and Information. Additional information including a request form is available at <http://www.courts.state.co.us/userfiles/file/Media/Cameras%20in%20the%20Courtroom%202010%20update.doc>.

### V. VIOLATIONS:

Anyone found to be in violation of the provisions of this Administrative Order is subject to having the electronic device confiscated and may be subject to contempt proceedings. Sanctions for contempt may be remedial or punitive, including a fine and/or jail sentence. Upon probable cause to believe that a violation of this order is occurring or has occurred, the court and law enforcement officers are authorized to seize any item they reasonably believe was used in violation of this order or which presents a potential or real physical danger. If any phone, camera, or other electronic device was used or is being used in violation of this order, law enforcement may be summoned and, upon a finding of probable cause, will confiscate such item based on their observations, investigation, or on a credible third-party report of such a violation. Law enforcement shall promptly notify the Judicial Officer assigned to that courtroom of the alleged violation, but may not inspect the contents of the device without a warrant or court order. The Judicial Officer shall determine whether a warrant is necessary before law enforcement may inspect the stored data in the device or if exigent circumstances exist for a warrantless search of the electronic device. The Judicial Officer assigned to that courtroom shall make a determination as to what sanctions shall be imposed for a violation of the provisions of this order and the disposition of the device. If it is determined that photographs, audio or video was taken in the courtroom in violation of this order and the video, audio or photographs are not evidence of a separate criminal offense, law enforcement shall consult with the Judicial Officer regarding whether the images or audio should be removed from the electronic device, retained pending a contempt proceeding, or some other action taken. If the photograph, video or audio is evidence of a separate criminal law violation, law enforcement will determine what actions to take under their agency protocol for investigating a crime.

In all other instances occurring outside of the courtroom, the respective County Sheriff's Office has the discretion to investigate for any possible violation of criminal law or violation of this Administrative Order. The Sheriff's Office may take no action or, in their discretion, contact the Duty Judge or the Chief Judge for direction as to the appropriate course of action.

Dated this 7<sup>th</sup> day of August, 2018

BY THE COURT

*/s/ Patrick W. Murphy*  
Patrick W. Murphy  
Chief Judge  
Eleventh Judicial District